

## FW: Gowanus Canal CAG: EPA Superfund Reassessment Request - follow up

Garbarini, Doug <Garbarini.Doug@epa.gov>

Fri 1/7/2022 5:13 PM

To: Singerman, Joel <Singerman.Joel@epa.gov>; Tsiamis, Christos <Tsiamis.Christos@epa.gov>; Carr, Brian <Carr.Brian@epa.gov>

 4 attachments (638 KB)

Citizens Manufactured Gas\_final 09222021\_v2 signed.pdf; Response to Sarno CAG september resolution 11-3-21.pdf; 2.23.2021.Gowanus Canal CAG - Public Place Resolution.pdf; 9.14.2021 Citizens Bklyn MGP Site Resolution.pdf;

fyi

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**From:** Steve Marcus <stevemarcus7@gmail.com>

**Sent:** Friday, January 07, 2022 12:27 PM

**To:** Acosta, Ildefonso <Acosta.Ildefonso@epa.gov>

**Cc:** Garcia, Lisa <Garcia.Lisa@epa.gov>; Evangelista, Pat <Evangelista.Pat@epa.gov>; Prince, John <Prince.John@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Laureano, Javier <laureano.javier@epa.gov>; Garbarini, Doug <Garbarini.Doug@epa.gov>; Nydia Velazquez <margarita.velazquez@mail.house.gov>; Wiley, Daniel <daniel.wiley@mail.house.gov>; Joanne Simon <JoAnne@joannesimon.com>; Susannah Pasquantonio <pasquantonios@nyassembly.gov>; Joseph Alexiou <joseph.alexiou@gmail.com>; Diane Buxbaum <ddbuxbaum@earthlink.net>; Katia Kelly <pardonmeinbrooklyn@gmail.com>; Louis Kleinman <louiskleinman@yahoo.com>; Lucy Koteen <lucy.koteen@gmail.com>; Linda Laviolette <lalaviolette@hotmail.com>; Hildegaard D Link <hildegaardl@earthlink.net>; Margaret Maugenest <mmaugenest@aol.com>; Rita Miller <ritamiller103@yahoo.com>; Peter Reich <swiftfolders@gmail.com>; Sue Wolfe <sue.wolfe@corcoran.com>; Maryann Young <ringoandme2@gmail.com>

**Subject:** Gowanus Canal CAG: EPA Superfund Reassessment Request - follow up

Dear Mr. Acosta

Thank you for your email.

This past Tuesday, the Gowanus Canal Superfund CAG Land Use Committee met and have asked me to respond.

As a group, we would like to share with you and the other members of Region 2's management team the following;

Based on NYSDEC's announcement of the change of their remediation plan for the former Citizens Gas Works MGP site, on February 23, 2021, the CAG submitted a Resolution (attached) requesting EPA to do a technical review of DEC's planned changes and its impact on the Superfund remedy and the surrounding neighborhood and was told that a joint response from NYSDEC and EPA would be forthcoming. Next month will be a year since this request was made and we have not yet been given a response.

Subsequently, on September 14, the entire CAG submitted a Resolution (attached) requesting that the entire former Citizens Gas Works MGP site be formally assessed and hazard ranked by EPA since it has come to our attention that it was never done even though the site is a documented source of upland contamination to the Canal and the surrounding neighborhood and it should have been considered an "Operable Unit" of EPA's Gowanus Canal Superfund listing. This assessment is necessary for several reasons, to fully determine the extent and accurately evaluate any off-site contamination of soil and, fully evaluate the groundwater contamination and hydrological impacts of the bulkhead construction on banks of the Gowanus Canal.

Your response to the CAG's September 14 request has been categorized by the CAG's Land Use Committee as unsatisfactory especially since none of the questions submitted by the CAG were answered and multiple risks

remain from the inadequate remedy planned under the NYS Brownfield program.

Additionally, in light of the fact that off site coal tar contamination has been discovered at the former Metropolitan MGP site near the mouth of the Canal which was previously remediated under the NYS Brownfield program with NYSDEC's supervision, now requires additional remediation work and should be directly supervised by EPA.

It is the opinion of the Land Use Committee that without actually doing a formal assessment and hazard ranking of all four parcels that comprise the former Citizens Gas Works MGP site and also doing a similar thorough evaluation of the other two Gowanus MGP site's contamination, EPA is putting the community at risk since prior actions leave us absolutely no faith that the State of NY or private developers have or will fully and comprehensively address the toxic environmental issues that our community has had to endure.

The CAG's Land Use Committee is requesting that EPA reconsider their response and formally assess and hazard rank the former Citizens Gas Works MGP site and assume oversight of all cleanup sites including any upland sources of contamination within the Gowanus Superfund Site and please give us answers and or responses to our questions

Thank you.

Regards,  
Steve Marcus & The Gowanus Canal Superfund CAG Land Use Committee

cc: Lisa Garcia - USEPA Region 2 Administrator

Pat Evangelista - USEPA Region 2 Director of Superfund and Emergency Management Division

John Prince - USEPA Region 2 Deputy Director, Superfund & Emergency Management Division

Dore LaPosta - USEPA Region 2 Director of Enforcement and Compliance Assurance Division

Javier Laureano - USEPA Region 2 Director of Water Division

Doug Garbarini - Chief, New York Remediation Branch

Congresswoman Nydia Velazquez

Dan Wiley - District Director for Southwest Brooklyn for Congresswoman Nydia Velazquez

Assemblymember Jo Anne Simon

Susannah Pasquantonio - Chief of Staff for Assemblymember Jo Anne Simon

----- Forwarded message -----

From: Acosta, Ildefonso <[Acosta.Ildefonso@epa.gov](mailto:Acosta.Ildefonso@epa.gov)>

Date: Mon, Nov 29, 2021 at 2:59 PM

Subject: RE: Gowanus Canal CAG: EPA Superfund Reassessment Request - Follow Up

To: Steve Marcus <[stevemarcus7@gmail.com](mailto:stevemarcus7@gmail.com)>

Cc: Evangelista, Pat <[Evangelista.Pat@epa.gov](mailto:Evangelista.Pat@epa.gov)>, Loney, Natalie <[Loney.Natalie@epa.gov](mailto:Loney.Natalie@epa.gov)>, Garbarini, Doug <[Garbarini.Doug@epa.gov](mailto:Garbarini.Doug@epa.gov)>

Good afternoon Steve,

This in response to your November 18, 2021 email expressing concerns about the Former Citizens Manufacturing Gas Plant (Citizens MGP) site.

Under the Comprehensive Environmental Response, Compensation, and Liability Act, any person who is, or may be, affected by a release or threatened release of a hazardous substance or pollutant or contaminant may petition EPA to conduct a preliminary assessment of the hazards to public health and the environment that are associated with such a release or threatened release. If EPA has not previously conducted a preliminary assessment of such

a release, EPA may conduct such an assessment where appropriate or provide an explanation as to why the assessment is not appropriate.

As was noted in September 23, 2021 and November 3, 2021 letters (attached) from Pat Evangelista, Director, Superfund and Emergency Management Division, in the last few months, other parties have also asked EPA to consider assessing the Citizens MGP site for inclusion on the National Priorities List as a separate site and in your November 5, 2021 email, incorporating it into the Gowanus Canal site. After reviewing the available data and other information for the Citizens MGP site, EPA responded to the requests, indicating that it was not appropriate to conduct the assessment. As EPA stated in the 2013 Record of Decision (ROD) for the Gowanus Canal and publicly since the ROD, because the Citizens MGP site is adjacent to the canal, EPA will assure that the off-site migration of contamination from the Citizens MGP site is addressed to meet EPA's expectations. Over the past several months, EPA, the New York State Department of Environmental Conservation, National Grid, and EPA's and National Grids' contractors held a number of technical meetings to exchange information and perspectives regarding the Citizens site cleanup.

As EPA and NYSDEC have previously indicated, we anticipate jointly discussing this site with the CAG at a future meeting.

Respectfully,

-Ildefonso

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**From:** Steve Marcus <[stevemarcus7@gmail.com](mailto:stevemarcus7@gmail.com)>

**Sent:** Friday, November 19, 2021 11:51 AM

**To:** Acosta, Ildefonso <[Acosta.Ildefonso@epa.gov](mailto:Acosta.Ildefonso@epa.gov)>

**Cc:** Evangelista, Pat <[Evangelista.Pat@epa.gov](mailto:Evangelista.Pat@epa.gov)>; Loney, Natalie <[Loney.Natalie@epa.gov](mailto:Loney.Natalie@epa.gov)>; Garbarini, Doug <[Garbarini.Doug@epa.gov](mailto:Garbarini.Doug@epa.gov)>

**Subject:** Re: Gowanus Canal CAG: EPA Superfund Reassessment Request - Follow Up

Hi Ildefonso,

Thank you for your update.

Totally understand about there being a Holiday next Thursday.

Please keep me posted.

Have a good weekend.

Regards,  
Steve

On Nov 19, 2021, at 11:20 AM, Acosta, Ildefonso <[Acosta.Ildefonso@epa.gov](mailto:Acosta.Ildefonso@epa.gov)> wrote:

Good morning Steve,

Just a quick update. I'm working with Natalie Loney, Doug Garbarini, and the rest of the project team in providing a response to your questions and will endeavor to get a response to you by the 29<sup>th</sup>, but given the upcoming holiday week doing so may be difficult.

Respectfully,

-Ildefonso

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**From:** Acosta, Ildefonso  
**Sent:** Thursday, November 18, 2021 2:01 PM  
**To:** 'Steve Marcus' <[stevemarcus7@gmail.com](mailto:stevemarcus7@gmail.com)>  
**Cc:** Evangelista, Pat <[Evangelista.Pat@epa.gov](mailto:Evangelista.Pat@epa.gov)>; Loney, Natalie <[Loney.Natalie@epa.gov](mailto:Loney.Natalie@epa.gov)>  
**Subject:** RE: Gowanus Canal CAG: EPA Superfund Reassessment Request - Follow Up

Good afternoon Mr. Marcus,

Thank you for your email. We will review your questions and provide answers as soon as possible.

Respectfully,  
Ildefonso

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**From:** Steve Marcus <[stevemarcus7@gmail.com](mailto:stevemarcus7@gmail.com)>  
**Sent:** Thursday, November 18, 2021 1:13 PM  
**To:** Acosta, Ildefonso <[Acosta.Ildefonso@epa.gov](mailto:Acosta.Ildefonso@epa.gov)>  
**Cc:** Evangelista, Pat <[Evangelista.Pat@epa.gov](mailto:Evangelista.Pat@epa.gov)>; Loney, Natalie <[Loney.Natalie@epa.gov](mailto:Loney.Natalie@epa.gov)>  
**Subject:** Gowanus Canal CAG: EPA Superfund Reassessment Request - Follow Up

Dear Mr. Acosta,  
Thank you for returning my call.

I could use your help!

As I mentioned, members of the CAG's Land Use Committee forwarded to me questions/statements that I am being expected to report back on by November 29th.

Would you please take a look at the 4 questions / statements below and I would appreciate your responses.

Thank you in advance for your help.

Regards,  
Steve Marcus

cc: Pat Evangelista - Director of Superfund & Emergency Mgmt Division, USEPA Region 2  
Natalie Looney - Gowanus Canal Community Involvement Coordinator, USEPA Region 2

**1) From Katia Kelly:**

USEPA has received a valid request to review the Citizens MGP site under the procedures of Part 300, Appendix A, and should do so before any rezoning is considered, and most definitively before shovels other than those of remediation contractors go in the ground.

There is no confirmation that Citizens MGP has been remediated to foundation excavation depths, nor is there evidence that such construction is safe, given the presence of coal tar and other carcinogens on this site along with emerging engineering issues regarding planned concrete capping and other remedies for the canal banks.

Two overarching determinations drove the initial assessments of the Canal and its surrounding

Contamination Zone, neither of which provides sufficient protection in the face of a major rezoning designed to bring active construction and potentially 30,000 more residents to the area.

USEPA only assessed surface water in the original NPL listing of the Gowanus Canal. This sole exposure pathways generated a Hazard Ranking Score of 50, enough to trip the 28.5 threshold for NPL Listing. This means that groundwater, soils, and airshed were not even evaluated for the Canal Listing.

This also lead to a questionable hybrid status for the soils and groundwater, whereby NYSDEC supervised the "Uplands" cleanups like the Citizens MGP/Public Place with EPA oversight (given the upland contamination was active and continuing to migrate into Canal water and surrounding soils, as well as potentially volatilizing into the air residents breathed).

NYS Superfund procedures only assess the soils and/or water within a parcel or property Metes and Bounds.

This means that soil, groundwater, and air contamination on the parcels and properties surrounding the "Upland" sites have not been fully or properly characterized under 40 CFR 300 (including Appendix A; frankly, it's not clear the sites have been properly assessed and characterized on all the parcels).

Although some PA/RI work has been done, USEPA deferral to NYSDEC oversight has political components and does not fully reflect the necessary site characterization and evaluation due process, or the required technical procedures in the final 2017 HRS Rule in 40 CFR 300.

Given there will be major construction on the Citizens MGP site, known to still contain dangerous toxins from operation of coal-to-gas combustion chambers (as opposed to only gas storage tanks), the full characterizations under the Part 300 Appendix A requirements and procedures is now absolutely necessary to protect public health, in addition to rectifying contamination affecting ecological components.

## 2) From Peter Reich:

Hi Steve- I guess what I was trying to say last night is that the EPA remedy for the Canal is to seal it off with waterproof bulkheads and a cement floor wherever there are historic toxic hotspots. This works well for the Canal's water, but may make the natural dissipation of toxins left behind in the now sealed-off partially remediated shoreline more difficult and much more dependent on constant monitoring and emptying of collection wells for years to come, to assure that contaminants left behind are safely removed.

My distilled-down conclusion is that another round of drilling and testing for toxins must be done on the Public Place site AFTER the Canal remedy is complete, but BEFORE any construction begins, and appropriate review and action be taken then, before housing, schools, and playgrounds/parks are built. After all, this whole thing is an experiment, and waiting a little longer to get it right seems wise.

## 3) From Louis Kleinman

What is needed to convert the brownfield of Public Place to become a part of the Gowanus Superfund. What can the CAG do to promote that action?

#### 4) From Rita Miller

Understand that requests to have a site (whether in the NY State Brownfield or NY State Superfund program or not) EPA assessed, hazard score ranked and added to the EPA NPL listing may come from any assortment of places, community organizations, residents, local businesses, etc.

There have already been such requests made by my organization, CORD, as well as others including, the Gowanus Canal Advisory Group.

These requests were made because these organizations felt that the cleanup plan, as described by NYDEC was neither addressing the true level of contamination and danger to the surrounding community the Citizens site presents nor sufficiently protecting the Canal remedy or the neighborhood residents.

It is difficult to understand Pat Evangelista's response to these concerns, which basically says that the EPA cannot step in to do an independent assessment, etc unless NYDEC request that they do so. Is this common practice/normal procedure? Or is this written law? It would be helpful to have this explained.

If common practice rather than law this response completely dismisses the organizations' and communities' concerns and mistrust of the DEC and their wildly inadequate cleanup plan.

The NYS Legislature has recently passed a bill which will no longer allow coal tar to be used as an ingredient in street and road paving due to the dangers it presents. How could it possibly not be safe to use coal tar as an ingredient in a mixture to pave a road or street but be perfectly safe to leave oceans of pure coal tar lurking beneath a community while simultaneously pounding into it and spreading it around in order to build housing right on top of it?

----- Forwarded message -----

From: **Steve Marcus** <[stevemarcus7@gmail.com](mailto:stevemarcus7@gmail.com)>

Date: Fri, Nov 5, 2021 at 12:05 PM

Subject: Gowanus Canal Community Advisory Group - EPA Superfund Assessment Request Follow Up

To: <[Acosta.ldefonso@epa.gov](mailto:Acosta.ldefonso@epa.gov)>

Dear Mr. Acosta,

Your name was given to me and the other members of the Gowanus Canal Community Advisory Group (CAG) by the Director of the Superfund and Emergency Management Division, Pat Evangelista, in response to the CAG's request to reassess and hazard rank a former Manufactured Gas Plant (MGP) site in Brooklyn New York for it's potential inclusion on EPA's National Priorities List (NPL).

Would you please look over the attached documents and arrange a time for us to talk at your earliest convenience.

Thank you.

Regards,

**Steve Marcus**  
**Member of the Gowanus Canal Community Advisory Group**  
**cell: 917-696-8997**

**Documents attached:**

- **Gowanus Canal CAG Resolution requesting EPA assessment and hazard ranking of the former Citizen's MGP site dated September 14, 2021**
- **Director of the Superfund & Emergency Mgmt Division, Pat Evangelista's response dated November 3, 2021**